

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|--|
| In re Application of: Ashkenazi et al. Serial No.: Not yet assigned Filed: Herewith For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i> | Group Art Unit: Not yet assigned Examiner: Not yet assigned |
|---|--|

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

In the specification:

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

This is a continuation application claiming priority under 35 USC §120 to US serial number 09/941,992 filed 8/28/01 which claims priority under 35 USC §120 to US serial numbers 08/743698 filed 11/6/96, 08/876698 filed 6/16/97, now abandoned, 08/965056 filed 11/5/97, US Patent No: 6,271,198 issued 8/7/01, 09/105413 filed 6/26/98, 09/168978 filed 10/7/98, 09/187368 filed 11/6/98, 09/202054 filed 12/7/98, 09/218517 filed 12/22/98, now abandoned, 09/254311 filed 3/3/99, 09/254460 filed 3/9/99, now abandoned, 09/267213 filed 3/12/99, now abandoned, 09/284291 filed 4/12/99, now abandoned, 09/380137 filed 8/25/99,

Serial No.: Not yet assigned

Filed: Herewith

now abandoned, 09/380138 filed 8/25/99, now abandoned, 09/380139 filed 8/25/99, 09/403296 filed 10/18/99, now abandoned, 09/423844 filed 11/12/99, now abandoned, 09/664610 filed 9/18/00, now abandoned, 09/665350 filed 9/18/00, 09/709238 filed 11/8/00, 09/808689 filed 3/14/01, now abandoned, 09/854816 filed 5/15/01, 09/866028 filed 5/25/01, 09/866034 filed 5/25/01, 09/872035 filed 6/1/01, 09/882636 filed 6/14/01, now abandoned, and which claims priority under 35 USC §120 to PCT international application numbers PCT/US97/20069 filed 11/5/97, PCT/US98/19330 filed 9/16/98, PCT/US98/19437 filed 9/17/98, now abandoned, PCT/US98/21141 filed 10/7/98, PCT/US98/25108 filed 12/1/98, PCT/US99/00106 filed 1/5/99, now abandoned PCT/US99/05028 filed 3/8/99, PCT/US99/12252 filed 6/2/99, PCT/US99/21090 filed 9/15/99, PCT/US99/21547 filed 9/15/99, PCT/US99/28313 filed 11/30/99, PCT/US99/28301 filed 12/1/99, PCT/US99/28634 filed 12/1/99, PCT/US99/30095 filed 12/16/99, PCT/US99/30911 filed 12/20/99, PCT/US00/00219 filed 1/5/00, now abandoned PCT/US00/00376 filed 1/6/00, now abandoned, PCT/US00/03565 filed 2/11/00, PCT/US00/04341 filed 2/18/00, PCT/US00/04414 filed 2/22/00, PCT/US00/04914 filed 2/24/00, now abandoned, PCT/US00/05004 filed 2/24/00, PCT/US00/05841 filed 3/2/00, PCT/US00/06319 filed 3/10/00, now abandoned, PCT/US00/06884 filed 3/15/00, PCT/US00/07377 filed 3/20/00, PCT/US00/08439 filed 3/30/00, PCT/US00/13358 filed 5/15/00, PCT/US00/14042 filed 5/22/00, PCT/US00/15264 filed 6/2/00, PCT/US00/13705 filed 5/17/00, PCT/US00/14941 filed 5/30/00, PCT/US00/20710 filed 7/28/00, PCT/US00/22031 filed 8/11/00, PCT/US00/23522 filed 8/23/00, PCT/US00/23328 filed 8/24/00, PCT/US00/30952 filed 11/8/00, PCT/US00/32678 filed 12/1/00, PCT/US01/06520 filed 2/28/01, PCT/US01/17800 filed 6/1/01, PCT/US01/19692 filed 6/20/01, PCT/US01/21066 filed 6/29/01, PCT/US01/21735 filed 7/9/01, and which claims priority under 35 USC § 119 to US provisional application numbers 60/049787 filed 6/16/97, 60/062250 filed 10/17/97, 60/065186 filed 11/12/97, 60/065311 filed 11/13/97, 60/066770 filed 11/24/97, 60/075945 filed 2/25/98, 60/078910 filed 3/20/98, 60/083322 filed 4/28/98, 60/084600 filed 5/7/98, 60/087106 filed 5/28/98, 60/087607 filed 6/2/98, 60/087609 filed 6/2/98, 60/087759 filed 6/2/98, 60/087827 filed 6/3/98, 60/088021 filed 6/4/98, 60/088025 filed 6/4/98, 60/088026 filed 6/4/98, 60/088028 filed 6/4/98, 60/088029 filed 6/4/98, 60/088030 filed 6/4/98, 60/088033 filed 6/4/98, 60/088326 filed 6/4/98, 60/088167 filed 6/5/98, 60/088202 filed 6/5/98, 60/088212 filed 6/5/98, 60/088217 filed 6/5/98, 60/088655 filed 6/9/98, 60/088734 filed 6/10/98, 60/088738 filed 6/10/98, 60/088742 filed 6/10/98, 60/088810 filed 6/10/98, 60/088824 filed 6/10/98, 60/088826 filed 6/10/98, 60/088858 filed 6/11/98, 60/088861 filed 6/11/98, 60/088876 filed 6/11/98, 60/089105 filed

Serial No.: Not yet assigned

Filed: Herewith

6/12/98, 60/089440 filed 6/16/98, 60/089512 filed 6/16/98, 60/089514 filed 6/16/98, 60/089532 filed 6/17/98, 60/089538 filed 6/17/98, 60/089598 filed 6/17/98, 60/089599 filed 6/17/98, 60/089600 filed 6/17/98, 60/089653 filed 6/17/98, 60/089801 filed 6/18/98, 60/089907 filed 6/18/98, 60/089908 filed 6/18/98, 60/089947 filed 6/19/98, 60/089948 filed 6/19/98, 60/089952 filed 6/19/98, 60/090246 filed 6/22/98, 60/090252 filed 6/22/98, 60/090254 filed 6/22/98, 60/090349 filed 6/23/98, 60/090355 filed 6/23/98, 60/090429 filed 6/24/98, 60/090431 filed 6/24/98, 60/090435 filed 6/24/98, 60/090444 filed 6/24/98, 60/090445 filed 6/24/98, 60/090472 filed 6/24/98, 60/090535 filed 6/24/98, 60/090540 filed 6/24/98, 60/090542 filed 6/24/98, 60/090557 filed 6/24/98, 60/090676 filed 6/25/98, 60/090678 filed 6/25/98, 60/090690 filed 6/25/98, 60/090694 filed 6/25/98, 60/090695 filed 6/25/98, 60/090696 filed 6/25/98, 60/090862 filed 6/26/98, 60/090863 filed 6/26/98, 60/091360 filed 7/1/98, 60/091478 filed 7/2/98, 60/091544 filed 7/1/98, 60/091519 filed 7/2/98, 60/091626 filed 7/2/98, 60/091633 filed 7/2/98, 60/091628 filed 7/2/98, 60/091646 filed 7/2/98, 60/091673 filed 7/2/98, 60/091978 filed 7/7/98, 60/091982 filed 7/7/98, 60/092182 filed 7/9/98, 60/092472 filed 7/10/98, 60/093339 filed 7/20/98, 60/094651 filed 7/30/98, 60/095282 filed 8/4/98, 60/095285 filed 8/4/98, 60/095302 filed 8/4/98, 60/095318 filed 8/4/98, 60/095321 filed 8/4/98, 60/095301 filed 8/4/98, 60/095325 filed 8/4/98, 60/095916 filed 8/10/98, 60/095929 filed 8/10/98, 60/096012 filed 8/10/98, 60/096143 filed 8/11/98, 60/096146 filed 8/11/98, 60/096329 filed 8/12/98, 60/096757 filed 8/17/98, 60/096766 filed 8/17/98, 60/096768 filed 8/17/98, 60/096773 filed 8/17/98, 60/096791 filed 8/17/98, 60/096867 filed 8/17/98, 60/096891 filed 8/17/98, 60/096894 filed 8/17/98, 60/096895 filed 8/17/98, 60/096897 filed 8/17/98, 60/096949 filed 8/18/98, 60/096950 filed 8/18/98, 60/096959 filed 8/18/98, 60/096960 filed 8/18/98, 60/097022 filed 8/18/98, 60/097141 filed 8/19/98, 60/097218 filed 8/20/98, 60/097661 filed 8/24/98, 60/097952 filed 8/26/98, 60/097954 filed 8/26/98, 60/097955 filed 8/26/98, 60/098014 filed 8/26/98, 60/097971 filed 8/26/98, 60/097974 filed 8/26/98, 60/097978 filed 8/26/98, 60/097986 filed 8/26/98, 60/097979 filed 8/26/98, 60/098525 filed 8/31/98, 60/100634 filed 9/16/98, 60/100858 filed 9/17/98, 60/113296 filed 12/22/98, 60/123957 filed 3/12/99, 60/141037 filed 6/23/99, 60/143048 filed 7/7/99, 60/144758 filed 7/20/99, 60/145698 filed 7/26/99, 60/146222 filed 7/28/99, 60/149396 filed 8/17/99, 60/158663 filed 10/8/99, 60/213637 filed 6/23/00, 60/230978 filed 9/7/00, the entire disclosures of which are hereby incorporated by reference.--

Serial No.: Not yet assigned

Filed: Herewith

In the claims:

Please cancel Claims 1-118 without prejudice or disclaimer.

Please add new Claims 119-138 as follows.

–119. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

120. (New) The isolated nucleic acid of Claim 119 having at least 85% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;

Serial No.: Not yet assigned

Filed: Herewith

- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

121. (New) The isolated nucleic acid of Claim 119 having at least 90% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

Serial No.: Not yet assigned

Filed: Herewith

122. (New) The isolated nucleic acid of Claim 119 having at least 95% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

123. (New) The isolated nucleic acid of Claim 119 having at least 99% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);

Serial No.: Not yet assigned

Filed: Herewith

- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

124. (New) An isolated nucleic acid comprising:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

125. (New) The isolated nucleic acid of Claim 124 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422).

Serial No.: Not yet assigned

Filed: Herewith

126. (New) The isolated nucleic acid of Claim 124 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide.

127. (New) The isolated nucleic acid of Claim 124 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422).

128. (New) The isolated nucleic acid of Claim 124 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide.

129. (New) The isolated nucleic acid of Claim 124 comprising the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421).

130. (New) The isolated nucleic acid of Claim 124 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421).

131. (New) The isolated nucleic acid of Claim 124 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

132. (New) An isolated nucleic acid that hybridizes to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;

Serial No.: Not yet assigned

Filed: Herewith

- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 304 (SEQ ID NO:422), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 303 (SEQ ID NO:421); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203160.

133. (New) The isolated nucleic acid of Claim 132, wherein said hybridization occurs under stringent conditions.

134. (New) The isolated nucleic acid of Claim 132 which is at least 10 nucleotides in length.

135. (New) A vector comprising the nucleic acid of Claim 119.

136. (New) The vector of Claim 135, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

137. (New) A host cell comprising the vector of Claim 135.

138. (New) The host cell of Claim 137, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

Serial No.: Not yet assigned

Filed: Herewith

REMARKS

Claims 1-118 have been cancelled. New Claims 119-138 have been added. Applicants respectfully request entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650) 225-4563 if any issues may be resolved in that manner.

Respectfully submitted,

GENENTECH, INC.

By: Elizabeth M. Barnes
Elizabeth M. Barnes, Ph.D.
Reg. No. 35,059
Telephone: (650) 225-4563



09157

PATENT TRADEMARK OFFICE

Serial No.: Not yet assigned

Filed: Herewith

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

A new paragraph beginning at page 1, line 2 has been added.

In the claims:

Claims 1-118 have been cancelled.

New claims 119-138 have been added.